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March 27, 2018

VIA ECF

Honorable Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Michael Reid aka Wayne Martin v. City of New York, et al.
17-CV-5268 (LDH) (CLP)

Your Honor:

I am one of the attorneys assigned to represent defendants the City, Hopkins, Gasser, Braithwaite, Connolly and Flidner in the above-referenced matter. Defendants write in response to the Court's order, dated March 9, 2018, directing defendants to respond to plaintiff's proposed amended complaint ("PAC") on or before March 27, 2018. As detailed herein and in the accompanying stipulation executed between the parties, the defendants consent to the filing of the PAC (ECF No. 23) and withdraw their pre-motion application.

As the Court is aware, on January 2, 2018, Defendants filed a pre-motion application (ECF No. 17) regarding their anticipated 12(b)(6) motion to dismiss the Complaint based on, among other things, a failure to state a claim, the application of absolute and qualified immunity, and pleading deficiencies in the purported Monell claim. An initial conference took place on January 30, 2018, at which time the Court ordered the plaintiff to provide a proposed amended complaint for defendants' review, prior to the commencement of any motion practice (ECF No. 20).

On March 16, 2018, plaintiff provided a proposed amended complaint to the defendants, which proposed, principally, to dismiss all claims against defendant Flidner. After conferring with plaintiff's counsel, defendants have consented to the filing of this pleading, with an agreement to bifurcate plaintiff's Monell claims for the purposes of discovery. The parties have executed a stipulation to this effect, which is attached hereto. Defendants respectfully request that the annexed stipulation be so-ordered by the Court, and withdraw their pre-motion application. Defendants further respectfully request that the pre-motion conference set for May 31, 2018, before the Hon. LaShann DeArcy Hall be canceled in light of the agreement reached between the parties.

Defendants thank the Court for its consideration herein.

Respectfully submitted,

/s/

Hannah V. Faddis

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Special Federal Litigation Division

cc: **VIA ECF**

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